

PATENT APPLICATION**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Group: Unknown)

Attorney)

Docket: 13871US)

Applicant: Davies et al.)

Title: Aroma Dispensing Device)

Serial No.: 10/539,487)

Filed: December 18, 2003)

Examiner: Unknown)

Certificate Under 37 CFR § 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 as "Express Mail Post Office to Addressee".

on

April 14, 2006

Brenda Block Koone

Brenda Block Koone

EQ 320551076 US

Mailing Label No.

**PETITION ON BEHALF OF JOINT INVENTOR WHO REFUSES TO SIGN OR
CANNOT BE REACHED (RULE 1.47)**

Mail Stop PCT
Commissioner for Patents
Box 1450
Alexandria, VA 22313

Sir:

04/19/2006 GFREY1 00000125 10539487

03 FC:1463

200.00 0P

1. The Battelle Memorial Institute ("Battelle"), an entity having a proprietary interest in the abovecaptioned Application, hereby petitions to make this Application on behalf of the following non-signing inventor:

Alastair Bruce Pirrie

2. This Petition is accompanied by proof of the pertinent facts and the last known address of the non-signing inventor as set forth below.

This Statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the Declaration of the non-signing inventor for the abovecaptioned Application. This Statement is being made by the undersigned having

firsthand knowledge of the facts recited herein. All available supporting documentation has been included herewith.

On January 16, 2004, US Assignment and Declaration and Power of Attorney forms were forwarded to all inventors, including Mr. Pirrie at 91 Plantation Road, Oxford OX2 6JE, by European Counsel Ms. Jane Clark. (Ex. A)

On February 19, 2004, having received no signed forms, Ms. Clark sent a further letter to Mr. Pirrie at the abovementioned address. (Ex. B)

On March 12, 2004, Ms. Clark requested, in accordance with PCT Rule 4.15(b), the RO/GB waive the requirement for the signature of A/I Pirrie; Alastair Bruce. (Ex. C) That request was granted. (Ex. D)

Subsequently, in prosecuting another case, the undersigned attorney for Applicants was made aware that Mr. Pirrie, through the employer of Mr. Pirrie, was represented by counsel, Mr. Ted Sabety, Sabety & Associates, P.L.L.C., One Pen Plaza, 36th Floor, New York, NY 10119. Accordingly, in a letter to Mr. Sabety dated January 20, 2006, a request was made to have Mr. Pirrie sign the necessary documents. (Ex. E)

The letter of January 20, 2006 to Mr. Sabety was delivered January 23, 2006. (Ex. F)

On February 13, 2006, in a letter dated February 8, 2006, Mr. Sabety informed that "Alastair believes he is not a co-inventor of any valid claims expressed in the PCT application" and that "Alastair has requested that . . . his name [be removed] from the patent application." (Ex. G)

On March 20, 2006, the undersigned attorney for Applicants wrote to Mr. Sabety and outlined the history of the application and detailing the need for the signature of Mr. Pirrie. (Ex. H)

3. A pertains to the above Statement, the undersigned has been warned that false statements and the like so made are punishable by fine or imprisonment, or both, under

18 U.S.C. § 1001, *et seq.* and that such willful false statements may jeopardize the validity of the Application or of any patent issuing therefrom. All statements made therein of my knowledge are true and all statements made on information and belief are believed to be true.

4. At the time of his contributions to the abovecaptioned invention, Mr. Pirrie was under an obligation to assign to Electrosols, Ltd. (Ex. I) Battelle has purchased the entire assets, including all rights in patents and intellectual property, and, therefore, has a proprietary interest in the Application. This action is necessary to preserve the rights of Battelle and to prevent irreparable damage. Further delay in filing a Response to a Notice to File Missing Parts will cause Battelle to incur additional fees and will unnecessarily delay prosecution of this Application on the merits.

5. In light of the foregoing, Applicants respectfully request this Petition be GRANTED.

6. Pursuant to 37 C.F.R. §§ 1.47(a) and 1.17(g), a fee is due of \$200.00. Applicants enclose herewith a credit card authorization form PTO-2038 including the abovementioned fee.

Respectfully submitted,



William B. Richards, Esq.
Attorney for Applicants
Reg. No. 44,301

Battelle Memorial Institute
505 King Avenue
Columbus, OH 43201
Phone: 614/424-5612
Fax: 614/424-3864
E-mail: richardsw@battelle.org
Customer Number: 24116

Keith Beresford
Howard Field
Janet Perkins
Ian Mackenzie
Jane Clark
Christopher Flegg
Paul Topley
David Sproston
Alan MacDougall
Alasdair Kennington
David Watkins
Anthony Dlugosz
Nicholas Fox
David Brinck

EXHIBIT A

BERESFORD & Co
European Patent Attorneys
Chartered Patent Attorneys
Intellectual Property Litigators

16 High Holborn
London WC1V 6BX

Fax 020 7405 4092
Fax 020 7831 6684
mail@beresfordpatents.co.uk
Tel 020 7831 2290

COPY

16 January 2004

Our Ref: JAC/ws/5453699

Mr A B Pirrie
91 Plantation Road
Oxford
OX2 6JE

Dear Alastair,

PCT: PATENT APPLICATION GB03/005556
Battelle Memorial Institute
AROMAS

In order to complete the formalities for this case I should be grateful if you could execute the attached documents where indicated. As you will see, some of the documents require signature in the presence of a witness whose name should be printed beneath their signature.

Please return these documents to me as soon as possible.

Yours sincerely
BERESFORD & Co

Jane Clark
jclark@beresfordpatents.co.uk

Encs: Appointment of Agent form
Declaration and Power of Attorney form
Assignment form

Agents' Reference: JAC/ws/5453699

PATENT COOPERATION TREATY

APPOINTMENT OF AGENTS

I, PIRRIE, Alastair Bruce

of 91 Plantation Road
Oxford OX2 6JE
GB

hereby appoint

BERESFORD; Keith Denis Lewis
KENNINGTON; Eric Alasdair
FIELD; Howard John
PERKINS; Janet Frances
MACKENZIE; Ian Alastair Robert
CLARK; Jane Anne
FLEGG; Christopher Frederick
TOPLEY; Paul
SPROSTON; David
MacDOUGALL; Alan John Shaw
FOX; Nicholas Russell Philip
WATKINS; David
BRINCK; David John Borchardt
DLUGOSZ; Anthony Charles

all of Beresford & Co, 16 High Holborn, London WC1V 6BX,
United Kingdom to act as agents for all matters
concerning International Application No. PCT/GB2003/005556
dated 18 December 2003 entitled:

AROMA DISPENSING DEVICE

This authorisation extends to all matters arising
from regional or national processing before the United
Kingdom Patent Office or the European Patent Office.

Sub-authorisation may be given.

Signature

.....

Date:

Name

.....

Keith Beresford
Howard Field
Janet Perkins
Ian Mackenzie
Jane Clark
Christopher Flegg
Paul Topley
David Sproston
Alan MacDougall
Alasdair Kennington
David Watkins
Anthony Dlugosz
Nicholas Fox
David Brinck

EXHIBIT B

19 February 2004

Our Ref: JAC/SMT/5453699

Mr. A.B. Pirrie
91 Plantation Road
Oxford
OX2 6JE

Dear Alastair,

PCT: PATENT APPLICATION GB03/0
Battelle Memorial Institute
AROMAS

Further to our letter of 16 January, 2004, we do not appear to have received the signed appointment of agent form, declaration and power of attorney and assignment forms from you.

For your convenience a copy of that letter together with another set of forms is enclosed with this letter which we would ask you to sign and return to us as soon as possible. As you will see some of the documents require signature in the presence of a witness.

We look forward to hearing from you.

Yours sincerely
BERESFORD & Co

Jane Clark
jclark@beresfordpatents.co.uk

Encl. Copy letter of 16 January, 2004
Appointment of agent form
Declaration and power of attorney form
Assignment form

Royal Mail
recorded
Signature

Standard postal service with signature and barcode scanning on delivery. Ideal for items you might need to prove were received, like job applications or legal documents.

Use **Special Delivery** for guaranteed next morning delivery with the security of barcode tracking throughout and compensation for loss or damage.

details of where your item is going

| | |
|-------------------------------------|--------------------|
| Name | Mr A. B. Pirrie |
| Building name or number, and street | 91 Plantation Road |
| Postcode complete in full | OX2 6JE |

your address on the back of package
label to front top left of package

Reference **RE 2665 7193 6GB**

Co
rneys
rneys
gators
born
/ 6BX
4092
6684
ts.co.uk
2290

PY

Keith Beresford
Howard Field
Janet Perkins
Ian Mackenzie
Jane Clark
Christopher Flegg
Paul Topley
David Sproston
Alan MacDougall
Alasdair Kennington
David Watkins
Anthony Dlugosz
Nicholas Fox
David Brinck

EXHIBIT C

BERESFORD & Co
European Patent Attorneys
Chartered Patent Attorneys
Intellectual Property Litigators

16 High Holborn
London WC1V 6BX

Fax 020 7405 4092
Fax 020 7831 6684
mail@beresfordpatents.co.uk
Tel 020 7831 2290

12 March 2004

Our Ref: JAC/SMT/5453699

COPY

The Comptroller
The Patent Office
Concept House
Cardiff Road
Newport
South Wales, NP10 8QQ

Dear Sir,

PCT: PATENT APPLICATION GB03/005556
Battelle Memorial Institute

We refer to the invitation to correct defects dated 12 January, 2004.

The invitation requested filing of appointment of agent forms signed by each of the applicants. The appointment of agent forms signed on behalf of the inventors Ronald Alan Coffee and David Neville Davies and on behalf of Battelle Memorial Institute were filed on 19 February, 2004.

We have, however, been unable to obtain an appointment of agent form signed by the remaining inventor Alastair Bruce Pirrie. We attach a copy of our original letter of 16 January, 2004 to Dr. Pirrie, together with a copy of the blank appointment of agent form, and a copy of our subsequent recorded delivery letter dated 19 February, 2004.

Dr. Pirrie was employed by Electrosols Ltd. (which was subsequently acquired by Battelle Memorial Institute) at the time the invention was made. Dr. Pirrie left Electrosols Ltd. at the end of December, 2000. A copy of Dr. Pirrie's resignation letter dated 27 November, 2000 is attached.

Since Dr. Pirrie left Electrosols Ltd., we have not been able to contact him either directly or via his ex-colleagues at Electrosols Ltd. despite repeated attempts to obtain signed documents for use in connection with other applications on which Dr. Pirrie was an inventor.

The Comptroller, The Patent Office
12 March 2004
Page 2

We trust that the above information will be sufficient to explain, to the satisfaction of the Receiving Office under Rule 14.15(b), the reason for the lack of this inventor's signature. If, however, this is not the case then we request that the Receiving Office grant a month's extension of the deadline for filing the appointment of agent form so that we can assemble any further evidence required.

Yours faithfully
BERESFORD & Co

Encl.

**Dr A B Pirrie
Consultant**

**91 Plantation Road
Oxford OX2 6JE
Tel & Fax: 01865 311659
e-mail: alastair.pirrie@eng.ox.ac.uk**

**Dr R Coffee
Electrosols Limited
Longdene House
Haslemere
Surrey GU27 2PH**

COPY

27 November 2000

Dear Ron,

Further to our recent telephone conversation, this is to confirm my intention to cease working for Electrosols Limited as of 31 December 2000.

I appreciate the experience I have gained during my time with the Company and I am sure it will stand me in good stead for the future

Yours sincerely,



Alastair Pirrie D.Phil.

From the RECEIVING OFFICE

PCT

To:

Beresford & Co
16 High Holborn
London

WC1V 6BX



COMMUNICATION IN CASES FOR WHICH
NO OTHER FORM IS APPLICABLE

COPY

| | |
|-------------------------------------------------------|-------------------------------------------------------------|
| Date of mailing (day/month/year) | 15/03/2004 |
| Applicant's or agents's file reference JAC/5453699 | REPLY DUE See paragraph 1 below |
| International application No. PCT/GB2003/005556 | International filing date (day/month/year) 18/12/2003 |
| Applicant Battelle Memorial Institute et al | |

1. ☐ REPLY DUE within _____ months/days from the above date of mailing

NO REPLY DUE, however, see below _____



IMPORTANT COMMUNICATION



INFORMATION ONLY

2. COMMUNICATION:

I refer to your letter of 12th March 2004 concerning the above PCT application.

As requested, in accordance with PCT Rule 4.15(b) the RO/GB hereby waives the requirement for the signature of A/I Pirrie; Alastair Bruce.

The IB/WIPO will be notified accordingly.

Name and mailing address of the receiving Office

The Patent Office
Cardiff Road, Newport
South Wales NP10 8QQ

Authorized officer

J.R. LLOYD-THOMAS

Distribution

13871US

EXHIBIT E

Via Federal Express
8361 3828 2163

January 20, 2006

Via Federal Express

Ted Sabety, Esq.
Sabety & Associates, P.L.L.C.
One Penn Plaza, 36th Floor
New York, New York 10119

Dear Mr. Sabety:

**Pending U.S. Patent Application based on
PCT/GB2003/005556 filed 18 December 2003**

Serial No.: 10/539,487

Title: AROMA DISPENSING DEVICE

Inventors: David Neville, Davies, Alastair Bruce Pirrie, and Ronald Alan Coffee

Our Reference: 13871US (ESL 52)

On June 17, 2005, Battelle submitted a US national filing under 35 U.S.C. 371 based on the subject PCT application. At the time of filing of the international application, Ms. Jane Clark of Beresford & Company forwarded Declaration and Power of Attorney and Assignment documents to Mr. Alastair Bruce Pirrie for signature. Signed documents were not received by Ms. Clark. Now we need these documents to fulfill the Notification of Missing Requirements we received for the subject U.S. case.

I have enclosed the published international application, Declaration and Power of Attorney, and Assignment documents. Please have Mr. Pirrie sign and date where indicated and return to me in the enclosed prepaid Federal Express envelope. Please note that the Assignment document requires a witness signature.

Please return these signed originals to us by February 10, 2006. Thank you for your assistance.

Very truly yours,

Brenda Block Koone

Brenda Block Koone
Foreign Filing Paralegal
kooneb@battelle.org

/bbk

Enclosures: WO 2004/054627 A1
Declaration and Power of Attorney
Assignment
Federal Express Envelope



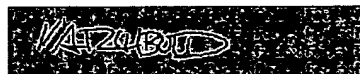
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EXHIBIT F

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|-----------------|----------------------|--------------|-------------------------|
| Tracking number | 836138282163 | Reference | 1196 |
| Signed for by | K.ARCHBOLD | Delivered to | Receptionist/Front Desk |
| Ship date | Jan 20, 2006 | Service type | Priority Envelope |
| Delivery date | Jan 23, 2006 9:44 AM | Weight | 1.0 lbs. |
| Status | Delivered | | |

Signature Proof of Delivery

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| Date/Time | Activity | Location | Details |
|--------------|---------------------------------------|------------------|---------|
| Jan 23, 2006 | 9:44 AM Delivered | | |
| | 7:46 AM On FedEx vehicle for delivery | NEW YORK, NY | |
| | 6:57 AM At local FedEx facility | NEW YORK, NY | |
| Jan 21, 2006 | 9:18 AM In transit | INDIANAPOLIS, IN | |
| | 9:04 AM Arrived at FedEx location | NEWARK, NJ | |
| | 7:34 AM Departed FedEx location | INDIANAPOLIS, IN | |
| | 1:06 AM Arrived at FedEx location | INDIANAPOLIS, IN | |
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| <input type="text"/> | English | <input type="checkbox"/> | <input type="checkbox"/> |
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| <input type="text"/> | English | <input type="checkbox"/> | <input type="checkbox"/> |

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Sabety+associates PLLC
Law, Technology and Business Strategy

Ted Sabety, Esq.
One Penn Plaza, 36th Floor
New York, NY 10119
TEL: 212.481.8686
FAX: 775.243.4268
CEL: 917.414.4833
EMAIL: ted@sabety.net
URL: www.sabety.net

EXHIBIT 9

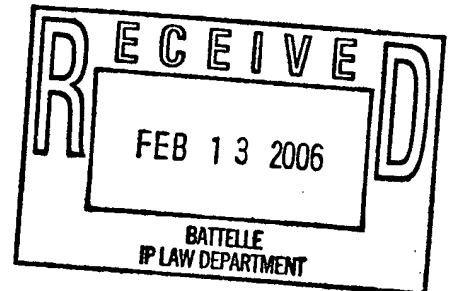
February 8, 2006

1387145

To: Ms. Brenda Block Koone
Battelle Memorial Institute
505 King Ave.
Columbus, OH 43201-2693
Tel: 614 424 6424
Fax: 614 424 5263

Cc: Alastair Pirrie
Aerstream, Ltd.

Re: Aroma Dispensing Device, U.S. Pat. App. No. 10/539,487



Dear Ms. Koone,

I reviewed the PCT application with Alastair Pirrie. The U.S. application is not available on the U.S. P.T.O. website. Please send me a copy by facsimile or by email.

As I am sure you are aware, a correct statement of inventorship is a condition to patent validity. 35 U.S.C. §102(f). Under U.S. patent law, the determination of co-inventorship requires that a party "... contribute in some significant manner to the conception" of at least one valid claim. See Fina Oil v. Ewen, 123 F 3d. 1466 (Fed. Cir. 1997). In addition, "a person will not be a co-inventor if he or she does no more than explain to the real inventors concepts that are well known and the current state of the art." *Id.* In light of these tests, Alastair believes he is not a co-inventor of any valid claims expressed in the PCT application.

If Battelle has legally cognizable evidence supporting a contrary argument, please provide that evidence to me for re-consideration. In the meantime, Alastair has requested that you remove his name from the patent application in order that there be no confusion over the matter.

Please be advised that the priority date of this application is about two years after Alastair departed Electrosols, Ltd. the predecessor company apparently acquired by Battelle. Pursuant to the consulting agreement between Alastair and Electrosols, Ltd. dated September, 1999, only "inventions made by or during the course of [Alastair's] employment will belong to [Electrosols]." Therefore, to



Sabety+associates PLLC
Law, Technology and Business Strategy

Ted Sabety, Esq.
One Penn Plaza, 36th Floor
New York, NY 10119
TEL: 212.481.8686
FAX: 775.243.4268
CEL: 917.414.4833
EMAIL: ted@sabety.net
URL: www.sabety.net

the extent the patent application validly claims inventions conceived after his departure from Electrosols, Ltd. or where he had no "inventive input" (as stated in the agreement), or where such claim is invalid over the prior art, then it would appear that the provisions obligating Alastair to execute the documents does not apply.

If you have any questions, please feel free to contact me.

Regards,

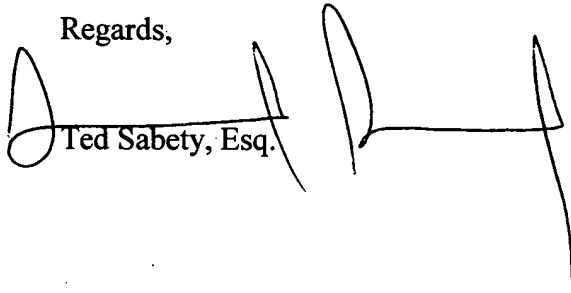

Ted Sabety, Esq.

EXHIBIT H

March 20, 2006

Sent Via: Federal Express Standard Overnight 7926 8938 8832

Mr. Ted Sabety, Esq.
Sabety+associates PLLC
One Penn Plaza, 36th Floor
New York, NY 10119



Dear Mr. Sabety:

RE: Aroma Dispensing Device, U.S. Pat. App. No. 10/539,487

We are in receipt of your fax dated February 8, 2006 and appreciate your review of inventorship determination as outlined therein.

As I am sure you are aware, "When an invention is made by two or more persons jointly, they shall apply for patent jointly and each make the required oath" and "[i]nventors may apply for a patent jointly even though . . . (2) each did not make the same type of amount of contribution, or (3) each did not make a contribution to the subject matter of every claim of the patent." 35 U.S.C. § 116

The history of this application and other relevant documentation have been reviewed with the following determined:

1. In a contract made July 1, 1998, Alastair Bruce Pirrie contracts with Electrosols Limited "to carry our research and development tasks" Importantly, Dr. Pirrie agreed that "any inventions made by or during the course of [Dr. Pirrie's] employment will belong to [Electrosols]." And, that "any named inventor employed by [Electrosols] will do everything possible to assign immediately any rights in any such patent or invention to [Electrosols]."
2. On March 30, 1999, Ms. Jane Clark, attorney for ESL, corresponds with Dr. Ron Coffee thanking him for the instructions regarding the instant case. Dr. A. B. Pirrie is copied on the correspondence.
3. On September 9, 1999, Ms. Clark notes that Drs. Coffee and Pirrie are working on filing decisions affecting the instant case. Dr. Pirrie is copied on the correspondence.
4. On November 22, 1999, Ms. Clark corresponds with Dr. Coffee noting that she will proceed to draft the instant case "once the necessary information has been provided by Alastair." Dr. Pirrie is copied on the correspondence.

5. On February 9, 2000, Dr. Pirrie e-mails Ms. Clark and attaches *his* "first draft" of the "Aroma Patent". Dr. Pirrie further notes that he "will have a go at constructing a list of all the points we want to claim."
6. In an e-mail dated February 15, 2000, Ms. Clark characterizes Dr. Pirrie's attachment to his February 9, 2000 as "your invention notes".
7. On April 19, 2000, Ms. Clark mails a draft specification, including claims, to Dr. Pirrie for his review and comment. An e-mail with the draft application attached is also sent to Dr. Pirrie. The draft specification (copy enclosed) contains 27 claims:

Draft claim 21 is substantially identical to claim 42 in the instant application.

Draft claims 22-27 are identical to claims 43-48, respectively, in the instant application.

8. In an e-mail dated July 21, 2000, Dr. Pirrie informs Ms. Clark that "I still do not know what to do with our aroma patent [the instant case] at the moment."
9. In a letter dated November 27, 2000, Dr. Pirrie informs Dr. Coffee that he intends to "cease working for Electrosols Limited as of 31 December 2000."
10. In a letter dated September 2, 2002, Ms. Clark informs the undersigned that "[a] draft application was prepared back in April 2000 in respect of *work then being conducted by Alastair Pirrie.*" And, "that Electrosols interest in this work waned." (Emphasis added.)
11. On December 18, 2002, the instant case was filed as GB 0229493.2.

Thus, it seems clear that Dr. Pirrie was intimately involved in the subject of the instant application and is, in fact an inventor.

As you may know, it is important these documents be executed in a timely manner in that additional delay only postpones the proper prosecution and ultimate issue of the Application and causes unnecessary expense. As such, I ask that Dr. Pirrie execute the aforementioned documents without delay and forward to me at the address noted hereinabove. To avoid further unnecessary diversion of the resources of our respective clients, please endeavor to see that I receive the properly-executed documents as soon as possible, but no later than **Monday, April 3, 2006.**

Further copies of the Application, the Assignment, and the Oath/Declaration and Power of Attorney are enclosed for your convenience. Thanking you in advance for your cooperation, I remain

Very truly yours,



William B. Richards, Esq.

Readman, Judy A

From: TrackingUpdates@fedex.com
Sent: Tuesday, March 21, 2006 10:42 AM
To: Readman, Judy A
Subject: FedEx Shipment 792689388832 Delivered

Our records indicate that the following shipment has been delivered:

| | |
|-------------------|--------------------------|
| Tracking number: | 792689388832 |
| Reference: | 1196 |
| Ship (P/U) date: | Mar 20, 2006 |
| Delivery date: | Mar 21, 2006 10:19 AM |
| Sign for by: | T.SHEWNARAIN |
| Delivered to: | Shipping/Receiving |
| Service type: | FedEx Standard Overnight |
| Packaging type: | FedEx Envelope |
| Number of pieces: | 1 |
| Weight: | 1.0 LB |

Shipper Information
Judy Readman
Battelle
505 King Ave
Columbus
OH
US
43201

Recipient Information
Ted Sabety, Esq.
Sabety associates PLLC
One Penn Plaza, 36th Floor
New York
NY
US
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Thank you for your business.

3/21/2006

EXHIBIT I

Contract of Employment

THIS CONTRACT is made the 1st day of July 1998 between **ELECTROSOLS LIMITED** whose registered office address is situate at West House, West Street, Haslemere, Surrey GU27 2AB (hereinafter called 'the Company') and **ALASTAIR BRUCE PIRRIE** of 23 Wellington Street, Oxford, OX2 6BB (hereinafter called 'the Consultant').

1. Duties :

Consultant to carry out research and development tasks according to instructions and targets set by the Research Director and/or any other directors of the Company.

The title and description of work does not define or limit the work which the Consultant is contracted to do and the Consultant may be required to do any work within his capabilities which from time to time the Company may require.

2. Duration of Contract :

One year from the 1st day of July 1998. This contract may be renewed by written agreement between the Company and the Consultant.

Either party may terminate the contract at any stage by giving not less than one calendar month's notice to the other side.

3. Normal Place of Work :

The base from which the Consultant performs his duties under this contract shall be Oxford Science Park, Magdalen Centre, Oxford, OX4 4GA or any other place as the Company may from time to time reasonably direct.

4. Remuneration :

The Consultant shall be paid a salary of £8,438 (Eight thousand four hundred and thirty eight pounds) per annum gross payable monthly in arrears. In addition the Company may at its discretion pay a bonus of up to fifteen per cent of gross salary at the end of each contract year. Such a bonus is in the absolute discretion of the Company and will be based on personal performance of the Consultant and the performance of the Company together with any other

factors the Company may choose to take into account. Any bonuses will be paid at the end of the first full year of contract.

The Company reserves the right to make all payments by direct transfer to the Consultant's Bank or Building Society account, particulars of which must be supplied to the Company on request.

5. Reimbursement of Expenses :

The Company will reimburse the Consultant for all rail and air travel reasonably undertaken on behalf of the Company. Such reimbursement will be at the second/economy class (unless otherwise authorised by the Company in writing) and will include reasonable payment in respect of meals, overnight accommodation, and any sundries where appropriate. Such claims will be met by the Company upon submission of an expense claim form together with appropriate vouchers and/ or receipts for claims made, such expenses claim form to be countersigned by the Research Director.

The Company will make a reasonable reimbursement for use by the Consultant of his own car on reasonable Company business according to mileage and engine capacity of the car at a rate to be agreed in writing between the Company and the Consultant from time to time.

6. Good Faith :

The Consultant shall devote the whole of his attention and skill in his working hours to the business and interests of the Company in a proper and efficient manner and use his best endeavours to develop maintain and extend the business of the Company. The Consultant shall not directly or indirectly carry on or assist in carrying on or be employed or engaged in any other business or work of any kind, except by agreement with the Company.

The Consultant shall not receive or obtain directly or indirectly any discount, rebate, commission or other benefit in respect of any goods or services supplied or acquired by the Company or any other business transacted by it, and if he does receive any such discount, rebate, commission or other benefit he shall account to the Company for it.

7. Confidential Information :

Except as authorised or required by his duties the Consultant shall keep secret and shall not use or disclose and shall use his best endeavours to prevent the use or disclosure by or to any person of any of the Company's confidential information which comes to his knowledge during his period of contract.


The restriction contained in this clause shall apply during and after the termination of the Consultant's employment without any time limit but shall cease to apply to information or knowledge which the Consultant establishes has in its entirety become public knowledge otherwise than through any unauthorised disclosure or other breach on his part of that restriction.

All records and any other medium (whether written or computer readable or otherwise) including accounts, documents, drawings and private notes about the Company and the Company's business and all copies and extracts of them made or acquired by the Consultant in the course of his employment shall be

- (a) the property of the Company
- (b) used for the purposes of the Company only
- (c) returned to the Company at any time on demand and
- (d) returned to the Company without demand on the termination of the Consultant's employment (howsoever terminated)

In particular but without prejudice to the generality of the foregoing any inventions made by or during the course of the Consultant's employment will belong to the Company. Further any inventions made will be filed as patents by the Company and any named inventor employed by the Company will do everything possible to assign immediately any rights in any such patent or invention to the Company. Any individual with an inventive input to any patent will be named as the inventor on any patent granted

Dated 10 July 1998

Signed 



Director
Electrosols Ltd